

Message Text

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DRAFTED BY D:SAOXMAN:CJE
APPROVED BY D:WCHRISTOPHER

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FM SECSTATE WASHDC

TO AMCONSUL HONG KONG IMMEDIATE

INFO AMEMBASSY MANILA IMMEDIATE

C O N F I D E N T I A L STATE 001782

EXDIS H.K. FOR NEWSOM, INFO FOR AMB SNEIDER FM W.CHRISTOPHER

E.O. 11652: GDS - TAGS: EAID, EFIN, SHUM, RP

SUBJECT: HUMAN RIGHTS IN IFIS: ADB LOANS TO PHILIPPINES

REF: (A) MANILA 20006, (B) SEOUL 10798

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1. YOUR THOUGHTFUL CABLE OF DECEMBER 21 IS MUCH APPRECIATED. I UNDERSTAND YOUR CONCERN THAT ABSTAINING ON ADB LOANS TO THE PHILIPPINES MAY NOT NECESSARILY IMPROVE THE HUMAN RIGHTS SITUATION IN THAT COUNTRY. I AM SURE THIS SUBJECT WILL BE FULLY DISCUSSED AT THE CHIEFS OF MISSION CONFERENCE AND THIS MESSAGE IS LARGELY A FOOTNOTE TO YOUR DISCUSSIONS.

2. I THINK IT IS IMPORTANT TO REALIZE THAT WE ARE NOW OPERATING IN A SETTING WHERE THERE IS A SPECIFIC STATUTORY COMMAND, NAMELY PUBLIC LAW 95-118 WHICH BECAME EFFECTIVE
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ON OCTOBER 3, 1977. UNDER THE STATUTE WE ARE NOW REQUIRED TO OPPOSE ADB LOANS TO CERTAIN COUNTRIES UNLESS THE LOANS ARE DIRECTED SPECIFICALLY TO PROGRAMS THAT SERVE BASIC HUMAN NEEDS. THE COUNTRIES TO WHICH THE STATUTE REFERS ARE THOSE ENGAGED IN "A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT

OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF PERSON...."

3. WE HAVE NOT MADE A DETERMINATION THAT THE PHILIPPINES (OR KOREA) IS A GROSS AND CONSISTENT VIOLATOR. WE HAVE SOUGHT TO AVOID SUCH A STIGMA. NEVERTHELESS, THE FACT IS THAT THE HUMAN RIGHTS RECORD OF BOTH COUNTRIES IS SO UNSATISFACTORY THAT IT IS A SUBJECT OF MAJOR CONTROVERSY. CONSIDERING THE BREADTH OF THE STATUTE, IT WOULD BE AWKWARD AND DIFFICULT TO CARRY THE BURDEN OF SHOWING IN A CONGRESSIONAL HEARING THAT THEY ARE NOT WITHIN THE SCOPE OF THE STATUTE.

4. NOR DO I MEAN TO SUGGEST THAT THE NEW STATUTE IS THE SOLE PREDICATE FOR OUR POSITION. THE ADMINISTRATION IS COMMITTED TO USING ITS VOICE AND VOTE IN THE INTERNATIONAL FINANCIAL INSTITUTIONS (IFIS) IN BEHALF OF HUMAN RIGHTS.

5. IN VIEW OF THE FOREGOING CONSIDERATIONS AND THE SERIOUS HUMAN RIGHTS PROBLEMS IN THE PHILIPPINES, MOST OF WHICH ARE THE DIRECT RESPONSIBILITY OF THE GOVERNMENT, WE CANNOT RULE OUT ABSTAINING ON LOANS THAT ARE NOT SPECIFICALLY DIRECTED AT SERVING BASIC HUMAN NEEDS.

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6. YOUR DIRECT WEEKLY DIALOGUE WITH PRESIDENT MARCOS IS A SIGNIFICANT UNDERTAKING WHICH I THINK HOLDS GREAT PROMISE. AT THE SAME TIME, I THINK HE MUST UNDERSTAND THAT OUR ACTIONS IN THE ADB HAVE BEEN TAKEN IN LIGHT OF A DEEP-SEATED CONCERN FOR THE OBSERVANCE OF HUMAN RIGHTS IN THE PHILIPPINES, AS WELL AS CONGRESSIONAL ATTITUDES.

7. AS FOR WHETHER OTHER NATIONS WILL SUPPORT US, I THINK IT IMPORTANT TO NOTE THAT OUR EFFORTS TO INTERNATIONALIZE CONCERN FOR HUMAN RIGHTS IN THE IFIS HAVE BEGUN TO BEAR FRUIT. IN RECENT WEEKS IN THE INTER-AMERICAN DEVELOPMENT BANK (ADB), FOR EXAMPLE, OUR CONCERN FOR HUMAN RIGHTS HAS BEEN FORMALLY ECHOED BY OTHERS, INCLUDING SWEDEN, GREAT BRITAIN, VENEZUELA, DENMARK, FINLAND AND BELGIUM. (ALL BUT VENEZUELA ARE ALSO MEMBERS OF THE ADB.) IN ONE INSTANCE OUR JOINT OPPOSITION TO A LOAN TO CHILE AMOUNTED TO 45 PERCENT OF THE VOTING SHARES. WE ARE RECEIVING OTHER IMPORTANT INDICATIONS THAT OTHER NATIONS ARE INTERESTED IN SUPPORTING OUR HUMAN RIGHTS POLICY IN THE IFIS. OUR EFFORTS TO MULTILATERALIZE CONCERN FOR HUMAN RIGHTS IN THE IFIS WILL, OF COURSE, BE MADE WITH DUE REGARD FOR THE WELFARE OF THE PEOPLE OF THE RECIPIENT

COUNTRIES.

8. A FEW DAYS AGO, THE SWEDISH FOREIGN SECRETARY CAME IN, AND SOMEWHAT TO MY SURPRISE, HE WAS PRIMARILY INTERESTED IN DISCUSSING HUMAN RIGHTS AND THE IFIS. SOME OF MY VIEWS ON THE ABOVE ISSUES, WHICH I OUTLINED TO HIM, ARE SET FORTH MORE FULLY IN STATE 311166 WHICH I AM HAVING REPEATED TO YOU.

9. WARMEST PERSONAL REGARDS AND BEST WISHES FOR THE NEW YEAR. CHRISTOPHER

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